



03 JUN 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Young & Thompson  
745 South 23<sup>rd</sup> Street  
Arlington, VA 22202

In re Application of	:	
JONES, Alan Bradley, et al.	:	
Application No.: 09/914,733	:	
PCT No.: PCT/AU00/00158	:	DECISION ON
Int. Filing Date: 06 March 2000	:	
Priority Date: 04 March 1999	:	PETITION UNDER
Attorney Docket No.: 01P104	:	
For: APPARATUS AND SYSTEM FOR	:	37 CFR 1.47(a)
CLASSIFYING AND CONTROL	:	
ACCESS TO INFORMATION	:	

This is in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed in the United States Patent and Trademark Office (USPTO) on 14 May 2002.

### **BACKGROUND**

On 06 March 2000, applicants filed international application PCT/AU00/00158. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 September 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 04 October 2000, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 04 September 2001.

On 04 September 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 15 October 2001, USPTO mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The Notification set a two-month extendable period for reply.

On 17 December 2001, applicants filed "Petition Under 37 CFR §1.47(a)" accompanied by, *inter alia*, the Notification of Missing Requirements dated 15 October 2001, a combined declaration and power of attorney, and a declaration under 37 CFR §1.47(a).

On 02 April 2002, the Office mailed Decision On Petition Under 37 CFR 1.47(a) dismissing applicants' petition without prejudice.

On 14 May 2002, applicants submitted the instant "Renewed Petition Under 37 CFR 1.47(a)" accompanied by, *inter alia*, a declaration of Mr. Alan James Beck.

### DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (3) and (4) were previously met.

Item (2) has now been met. Mr. Beck indicates that he continued the efforts to contact Mr. Jones and that the exhibits RC-7 and RC-8 are copies of communications Mr. Beck sent to Mr. Jones. Mr. Beck additionally states that "To date, Mr. Jones continues to refuse to execute the Declaration." The Mr. Beck's statement was signed on 22 April 2002.

### CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

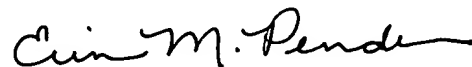
As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. date of **17 December 2001**.



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In re Application of  
JONES, Alan Bradley, et al.  
Application No.: 09/914,733  
PCT No.: PCT/AU00/00158  
Int. Filing Date: 06 March 2000  
Priority Date: 04 March 1999  
Attorney Docket No.: 01P104  
For: APPARATUS AND SYSTEM FOR  
CLASSIFYING AND CONTROL  
ACCESS TO INFORMATION

Dear Mr. Jones:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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